

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2007 Legislative Session

Legislative Day No. 9

Bill No. 49 -2007

Introduced by the Chairperson at the request of the County Executive

AN ACT establishing a property tax credit for certain high performance buildings under certain conditions; establishing the terms and duration of the credit; providing for an application procedure and administration of the credit; clarifying the eligibility for certain property tax credits; and generally relating to property tax credits.

Introduced and read first time _____, 2007. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2007.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2007 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __day of _____, 2007 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2007

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that*
2 *subsection (b) of Section 20.119 “Green building energy conservation devices” of Part II*
3 *“Statewide Tax Credits” of Subtitle 1 “Real Property Tax Administration, Credits and*
4 *Enforcement” of Title 20 “Taxes, Charges, and Fees” is amended to read as follows:*

5
6 **Title 20. Taxes, charges, and fees.**

7 **Subtitle 1. Real Property Tax Administration, Credits and Enforcement.**

8 **Part II. Statewide Tax Credits.**

9
10 **Section 20.119. Green building energy conservation devices.**

11 (b) *Establishment of tax [[credit]] CREDIT; ELIGIBILITY.*

12 (1) In accordance with section 9-203 of the tax-property article, Annotated Code of
13 Maryland, and the provisions of this section, there is a tax credit against the
14 county real property tax imposed on a structure that is LEED-certified, at a level
15 specified in subsection (c) of this section, for a qualifying energy conservation
16 device used to heat or cool the structure or to provide hot water for use in the
17 structure.

18 (2) A PROPERTY OWNER IS ELIGIBLE TO RECEIVE A CREDIT UNDER THIS
19 SECTION ONLY IF THEY DO NOT QUALIFY TO RECEIVE A CREDIT
20 FOR A HIGH PERFORMANCE BUILDING UNDER SECTION 20.130 OF
21 THIS CODE.

22
23 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland,*
24 *that new Section 20.130 “Property tax credit for high performance buildings” is added to*
25 *Part III “State-Authorized Howard County Tax Credits” of Subtitle 1 “Real Property Tax*
26 *Administration, Credits and Enforcement” of Title 20 “Taxes, Charges, and Fees” of the*
27 *Howard County Code, to read as follows:*

28
29 **Title 20. Taxes, charges, and fees.**

30 **Subtitle 1. Real Property Tax Administration, Credits and Enforcement.**

31 **Part III. State-Authorized Howard County Tax Credits.**

1 **SECTION 20.130. PROPERTY TAX CREDIT FOR HIGH PERFORMANCE**
2 **BUILDINGS.**

3 (A) *DEFINITIONS.* IN THIS SECTION, THE FOLLOWING TERMS HAVE THE
4 MEANINGS INDICATED.

5 (1) “HIGH PERFORMANCE BUILDING” MEANS A BUILDING THAT:

6 (I) ACHIEVES AT LEAST A SILVER RATING ACCORDING TO THE
7 U.S. GREEN BUILDING COUNCIL’S LEED (LEADERSHIP IN
8 ENERGY AND ENVIRONMENTAL DESIGN) RATING SYSTEM;

9 (II) ACHIEVES AT LEAST A COMPARABLE RATING ACCORDING TO
10 DESIGN STANDARDS THAT THE DIRECTOR OF THE
11 DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS MAY
12 ~~IDENTIFY~~ ADOPT BY REGULATION AS EQUIVALENT TO A
13 SILVER RATING IN THE LEED RATING SYSTEM; OR
14 (III) MEETS COMPARABLE GREEN BUILDING GUIDELINES OR
15 STANDARDS APPROVED BY THE STATE.

16 (2) “LEED RATING SYSTEM” SHALL HAVE THE MEANING SET FORTH IN
17 SECTION 3.1002 OF THIS CODE.

18 (B) *CREDIT ESTABLISHED.* IN ACCORDANCE WITH § 9-242 OF THE TAX-PROPERTY
19 ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE OWNER OF A HIGH
20 PERFORMANCE BUILDING MAY RECEIVE A PROPERTY TAX CREDIT AGAINST
21 COUNTY PROPERTY TAXES IMPOSED ON THE HIGH PERFORMANCE BUILDING.

22 (C) *AMOUNT AND DURATION OF CREDIT FOR CERTIFICATION IN LEED CORE AND*
23 *SHELL OR NEW CONSTRUCTION RATING SYSTEMS.* FOR A HIGH PERFORMANCE
24 BUILDING THAT IS CERTIFIED IN THE LEED RATING SYSTEM FOR CORE AND
25 SHELL VERSION 2.0 OR NEW CONSTRUCTION VERSION 2.2 OR A COMPARABLE
26 RATING SYSTEM THAT THE DIRECTOR OF INSPECTIONS, LICENSES AND PERMITS
27 MAY ADOPT BY REGULATION:

28 (1) THE AMOUNT OF THE TAX CREDIT IS A PERCENTAGE OF THE TOTAL
29 COUNTY PROPERTY TAX ASSESSED ON THE HIGH PERFORMANCE
30 BUILDING AS FOLLOWS:

31 (I) LEED CERTIFIED SILVER - 25 %;

1 (II) LEED CERTIFIED GOLD - 50 %; AND

2 (III) LEED CERTIFIED PLATINUM - 75 %; AND

3 (2) THE TAX CREDIT AUTHORIZED BY THIS SUBSECTION CONTINUES
4 FOR 5 YEARS.

5 (D) *AMOUNT AND DURATION OF CREDIT FOR CERTIFICATION IN EXISTING*
6 *BUILDING RATING SYSTEM.* FOR A HIGH PERFORMANCE BUILDING THAT IS
7 CERTIFIED IN THE LEED RATING SYSTEM FOR EXISTING BUILDINGS VERSION 2.0
8 OR A COMPARABLE RATING SYSTEM THAT THE DIRECTOR OF INSPECTIONS,
9 LICENSES AND PERMITS MAY ADOPT BY REGULATION:

10 (1) THE AMOUNT OF THE TAX CREDIT IS A PERCENTAGE OF THE TOTAL
11 COUNTY PROPERTY TAX ASSESSED ON THE HIGH PERFORMANCE
12 BUILDING AS FOLLOWS:

13 (I) LEED CERTIFIED SILVER - 10 %;

14 (II) LEED CERTIFIED GOLD - 25 %; AND

15 (III) LEED CERTIFIED PLATINUM - 50 %; AND

16 (2) THE TAX CREDIT AUTHORIZED BY THIS SUBSECTION CONTINUES
17 FOR 3 YEARS.

18 (E) *PROHIBITION.* A PROPERTY OWNER MAY NOT RECEIVE A CREDIT UNDER
19 BOTH SUBSECTION (C) AND SUBSECTION (D) OF THIS SECTION DURING THE
20 SAME FISCAL YEAR.

21 (F) *CREDIT RUNS WITH THE PROPERTY.* A TAX CREDIT GRANTED UNDER THIS
22 SECTION RUNS WITH THE PROPERTY AND A CHANGE IN OWNERSHIP DOES NOT
23 RESULT IN THE LAPSE OF THE TAX CREDIT.

24 (G) *APPLICATION.* TO RECEIVE THE TAX CREDIT, A PROPERTY OWNER SHALL
25 SUBMIT AN APPLICATION TO THE DEPARTMENT OF FINANCE:

26 (1) ON THE FORM THAT THE DEPARTMENT OF FINANCE REQUIRES;

27 (2) THAT IS ACCOMPANIED BY PROOF THAT THE PROPERTY MEETS THE
28 DEFINITION OF A “HIGH PERFORMANCE BUILDING”; AND

29 (3) ON OR BEFORE THE DATE THAT THE DEPARTMENT OF FINANCE
30 SETS.

1 (H) REPORT. ON OR BEFORE OCTOBER 31 OF EACH YEAR, THE DIRECTOR OF
2 FINANCE SHALL SUBMIT A REPORT TO THE COUNTY COUNCIL AND THE COUNTY
3 EXECUTIVE ON TAX CREDITS GRANTED UNDER THIS SECTION IN THE PRIOR
4 FISCAL YEAR THAT INCLUDES:

5 (1) A LIST OF ALL CREDITS GRANTED AND THE MONETARY AMOUNT OF
6 EACH CREDIT GRANTED UNDER SUBSECTIONS (C) AND (D) OF THIS
7 SECTION;

8 (2) THE LEVELS OF CERTIFICATION OBTAINED BY RECIPIENTS OF THE
9 CREDIT; AND

10 (3) AN ESTIMATED TOTAL FISCAL IMPACT FOR THE CURRENT FISCAL
11 YEAR AND FOR NINE ENSUING FISCAL YEARS.

12 ~~(H)~~ I) ADMINISTRATION. THE DEPARTMENT OF FINANCE MAY ADOPT GUIDELINES,
13 REGULATIONS, OR PROCEDURES TO ADMINISTER THIS SECTION.

14 ~~(I)~~ J) EFFECTIVE DATE. THE TAX CREDIT AUTHORIZED BY THIS SECTION APPLIES
15 TO TAX YEARS BEGINNING AFTER JUNE 30, 2008.

16
17 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that
18 *this Act shall become effective 61 days after its enactment.*